

Appl. No. 10/695,884  
Amdt. Dated January 17, 2006  
Reply to Office Action of August 16, 2005

Docket No. CE12238JME

### **Claim Status**

Claims 1, 9, and 18 have been amended. Claims 1-21 remain in the application

### **REMARKS/ARGUMENTS**

Claims 1-21 were rejected under 35 USC 103(a) over Hitchings (US 5657893) in view of JP8-9448.

The pending independent claims are claims 1, 9, and 18. Each of these claims has in common the limitations of a compliant covering that conceals a release window, and, as now amended, that the catch member may be released from the catch feature through the compliant covering. The compliant covering provides two functions, it conceals the latch and it allows disengagement or release of the latch through the covering, meaning the covering does not need to be removed to release the latch. The latch may be released in at least one of two ways as described in the instant specification. First, as claimed in claim 1, a latch release member may be provided that may be engaged by deflection through the compliant covering. Second, the compliant covering may be pierced by a tool at the release window, allowing deflection of the catch member through the compliant covering.

Hitchings shows a catch member 19, a catch feature 22, and arguably a release window 39, through which a tool 40 having a lug 45 that is inserted to deflect the catch member. The lug has bifurcated arms 46 that are ramped or sloped to deflect the catch member away from the catch feature. Hitchings does not suggest that the latch assembly be concealed, nor the use of a compliant covering, and therefore not the use of a compliant covering to conceal the latch assembly.

JP8-9448 shows the use of compliant or rubberized coverings on portions of an electronic device, but does not a cantilevered latch. Rather, JP8-9448 shows the use of a screw 5 to hold the housing portions together. Furthermore, the compliant covering is not shown even covering the screw. See, for example, covering 12 in FIGs. 1 & 2. This is because, of course, the compliant covering would then have to be removed to access the screw.

Applicant notes that the Rejection does not discuss the originally claimed aspect of the compliant covering that it conceals the latch assembly. Applicant also submits that the release

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means of Hitchings would not work if the access means 39 were covered by a complaint covering. Applicant further submits that there is no suggestion in either Hitchings or JP8-9448 to conceal the fastening means used to hold the housing portions together; JP8-9448 teaches away from covering the screw used there, and Hitchings fails to suggest concealing the access means at all. Thus, one of ordinary skill would not be motivated to combine the two references, but were one to do so it seems clear that the means for releasing the housing portions would not be covered by the compliant covering, as claimed by Applicant. Therefore Applicant believes the claims are in condition for allowance.

No amendment made was for the purpose of narrowing the scope of any claim. The Applicants believe that the subject application, as amended, is in condition for allowance. Such action is earnestly solicited by the Applicants.

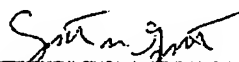
In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicant's attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

The Commissioner is hereby authorized to charge any fee due, or credit any overpayment, to Motorola, Inc., Deposit Account Number 50-2117.

Respectfully submitted,

SEND CORRESPONDENCE TO:

Motorola, Inc.  
Law Department - MD 1610  
8000 W. Sunrise Blvd.  
Plantation, FL 33322  
Customer Number: 24,273

By:   
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Scott M. Garrett  
Attorney of Record  
Reg. No.: 39,988  
  
Telephone: 954-723-6449  
Fax No.: 954-723-5599